

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT NOTICE REGARDING EVIDENTIARY HEARING ON STANDING MOTIONS

(DKT. 174, 177)

Pursuant to the Court's Order (Dkt. 315), Samsung and Headwater file this joint notice regarding the February 20, 2025 evidentiary hearing on the parties' respective motions addressing the issue of standing.

The parties agree to the following format for the hearing: First, Headwater will call Dr. Raleigh for his direct examination. Second, Samsung will cross-examine Dr. Raleigh and perform its own adverse examination. Third, Headwater and Samsung will complete any redirect and recross examination of Dr. Raleigh. Finally, each party will present a closing argument.

Regarding evidence, **Headwater** expects that Dr. Raleigh will provide testimony demonstrating that Headwater has standing and that Samsung's arguments to the contrary should be rejected. Consistent with Headwater's briefing and Dr. Raleigh's prior testimony, Dr. Raleigh is expected to describe how the asserted patents are all assigned to Headwater and how he conceived of the claimed inventions of the asserted patents long after he left Qualcomm. Dr.

Raleigh is also expected to testify about his interactions with Qualcomm after he left the company, including discussions about potential collaboration (e.g., joint projects, investment, acquisition) between Qualcomm and Headwater/ItsOn in 2009, 2017, and 2022, as examples. Headwater currently anticipates presenting the following categories of exhibits with Dr. Raleigh and may also preemptively address exhibits appearing in Samsung's list further below. As the evidentiary hearing remains ten days away, Headwater reserves the right to modify this disclosure and, if it does, will promptly identify any such additions to Samsung:

- Asserted patents
- Assignment records for the asserted patents
- Provisional Application No. 61/206,354
- Correspondence between Headwater/ItsOn and Qualcomm
- Headwater/ItsOn presentations
- Qualcomm's responses to Samsung's subpoenas
- Dr. Greg Raleigh's employment agreement and record
- Deposition transcripts of Dr. Greg Raleigh
- Deposition transcript of David Wise from Case No. 2:23-cv-00397-JRG-RSP (Dkt. 320-2)¹
- LinkedIn profile of David Wise (<https://www.linkedin.com/in/david-wise-7b04611a0/>)

¹ Samsung objects to Headwater's use of the deposition transcript of Mr. Wise (from a different Headwater case) because no one, including Headwater, gave Samsung notice of the deposition, and Samsung did not participate. Samsung asserts that this makes the deposition hearsay, and that it would violate due process to use it in this case. Headwater asserts that the parties should address this evidentiary objection at the evidentiary hearing and maintains that Samsung's objection is unfounded in light of, for example, the hearsay provisions of Fed. R. Evid. 803, 804(b)(1), and 807. Headwater further maintains that the Court can appropriately weigh Mr. Wise's testimony on the same subject matter Samsung has raised, and Mr. Wise's testimony that Samsung did not contact him to obtain discovery.

Samsung will call Dr. Greg Raleigh as a live witness and will examine Dr. Raleigh following Headwater's direct. Samsung will attempt to elicit testimony that Dr. Raleigh filed the patents-in-suit within one year of leaving Qualcomm, triggering a presumption that Qualcomm owns them, and that Dr. Raleigh has no evidence to rebut this presumption. To the contrary, his testimony and other statements suggest he conceived while at Qualcomm. Samsung expects to rely upon the exhibits filed by both sides in connection with Samsung's motion to dismiss (Dkt. 177) and Headwater's motion for summary judgment on standing (Dkt. 174), along with the patents-in-suit, Dr. Raleigh's deposition, hearing, and trial transcripts, emails to or from Dr. Raleigh and the parties' expert reports.

Dated: February 10, 2025

Respectfully submitted,

By: /s/ Kristopher Davis

Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Adam Hoffman
CA State Bar No. 218740
Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530
Philip Wang
CA State Bar No. 262239
Amy Hayden
CA State Bar No. 287026

By: /s/ Jonathan B. Bright

Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice*)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000
Washington, D.C. 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Thad C. Kodish
GA Bar No. 427603
tkodish@fr.com
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
Jonathan B. Bright
GA Bar No. 256953

Dale Chang
CA State Bar No. 248657
James Milkey
CA State Bar No. 281283
Jason M. Wietholter
CA State Bar No. 337139
James Pickens
CA State Bar No. 307474
Qi (Peter) Tong
TX State Bar No. 24119042
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
rak_headwater@raklaw.com

Andrea L. Fair
TX State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com
Attorneys for Plaintiff,
Headwater Research LLC

jbright@fr.com
Nicholas A. Gallo
GA Bar No. 546590
gallo@fr.com
Vivian C. Keller (admitted *pro hac vice*)
GA Bar No. 651500
keller@fr.com
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Sara C. Fish
GA Bar No. 873853
sfish@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214)747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
John W. Thornburgh
CA Bar No. 154627
thornburgh@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Katherine D. Prescott (*pro hac vice*)
CA Bar No. 215496

prescott@fr.com

FISH & RICHARDSON P.C.

500 Arguello Street

Suite 400

Redwood City, CA 94063

Telephone: (650) 839-5180

Facsimile: (650) 839-5071

Kyle J. Fleming (*pro hac vice*)

NY Bar No. 5855499

kffleming@fr.com

FISH & RICHARDSON P.C.

7 Times Square, 20th Floor,

New York, NY 10036

Telephone: (212) 765-5070

Facsimile: (212) 258-2291

Melissa R. Smith

State Bar No. 24001351

Melissa@gillamsmithlaw.com

GILLAM & SMITH, LLP

303 South Washington Avenue

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Andrew Thompson ("Tom") Gorham

State Bar No. 24012715

tom@gillamsmithlaw.com

James Travis Underwood

Texas Bar No. 24102587

travis@gillamsmithlaw.com

GILLAM & SMITH, LLP

102 N. College, Suite 800

Tyler, Texas 75702

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Michael E. Jones

State Bar No. 10929400

mikejones@potterminton.com

Shaun W. Hassett

State Bar No. 24074372

shaunhassett@potterminton.com

POTTER MINTON, P.C.

102 N. College Ave., Suite 900

Tyler, Texas 75702
Tel: (903) 597-8311
Fax: (903) 593-0846

Lance Lin Yang
**QUINN EMANUEL URQUHART & SULLIVAN,
LLP - LA**
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017 USA
213/443-3000 Fax: 213/443-3100
Lanceyang@quinnemanuel.Com

Jon Bentley Hyland
Texas Bar No. 24046131
jhyland@hilgersgraben.com
Grant K. Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: (972) 645-3097

*Attorneys for Defendants,
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I certify that on February 10, 2025 counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Jonathan B. Bright
Jonathan B. Bright